

[Name of the Plaintiff(s),	]	
	]	
	]	
Plaintiff(s),	]	
	]	
vs.	]	[Case Number]
	]	
[Name of the Defendant(s),	]	
	]	
	]	
Defendant(s).	]	

A pretrial conference was held in the above case on [Date], wherein, or as a result of which, the following proceedings were held and actions taken:

For [Enter Defendant No. 2]: \_\_\_\_\_

[List each statute, rule or case that is claimed to authorize the court's subject matter jurisdiction in this action.]

*[The parties shall briefly summarize the case without using "color" words or argument. In most cases, this should require no more than three or four sentences. In a jury trial, this section will be read to the jury venire during the jury selection process.]*

b. Undisputed Facts.

*[The parties shall set out in separate numbered paragraphs each fact that is not in dispute. The parties are reminded that the court expects them to approach this task in a good faith effort to agree on all relevant facts for which there is no reasonable basis for disagreement in an effort to reduce the need for evidence at and length of the trial. In a jury trial, this section will be read to the jury and the jury will be instructed to accept these facts as true.]*

c. Plaintiff's Claims.

*[For each defendant, each plaintiff shall concisely state each legal theory relied upon and shall set out the factual allegations which he/she expects to prove in support of each such legal theory. Vague, conclusory and general claims and allegations are not acceptable. In other words, no weasel wording. By this stage of the proceedings the plaintiff is expected to know what the claims are and must state precisely the issues expected to be tried. Each claim must be set out in a separately numbered paragraph, appropriately labeled. Think common law pleading. Under each claim, the plaintiff shall list any citations to the major cases, statutes, etc. that support his/her legal theory.]*

d. Defendant's Defenses:

*[For each claim against him, each defendant shall concisely state each legal theory relied upon and shall set out the factual allegations which he/she expects to prove in support of each such legal theory. Vague, conclusory and general claims and allegations are not acceptable. In other words, no weasel wording. By this stage of the proceedings the defendant is expected to know what the defenses are and must state precisely the issues expected to be tried. Each defense must be set out in a separately numbered paragraph, appropriately labeled. Think common law pleading. Under each defense, the defendant shall list any citations to the major cases, statutes, etc. that support his/her legal theory.]*

(6) DISCOVERY AND OTHER PRETRIAL PROCEDURES:

a. Pretrial Discovery.

- i. \_\_\_\_\_ Pursuant to previously entered orders of the court, discovery is closed.

- ii. \_\_\_\_\_ The parties are given leave to proceed with further discovery provided it is commenced in time to be completed by \_\_\_\_\_.

b. Pending motions.

*[List all pending motions or state that there are no motions pending. Motions should be listed in separately numbered paragraphs, leaving sufficient space for the court to indicate its rulings below each listed motion.]*

- c. MOTIONS IN LIMINE: Motions in limine must be filed at least ten days in advance of the scheduled trial date and shall be accompanied by supporting memoranda. As to each matter counsel seeks to exclude, counsel shall indicate whether the exclusion is "opposed" or "unopposed" by counsel for the other side. Parties are encouraged to resolve evidentiary issues by stipulation whenever possible.

- (7) The parties must provide to other parties and promptly file with the court the following information regarding the evidence that it may present at trial other than solely for impeachment:

(A) the name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises;

(B) the designation of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony; and

(C) an appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises.

Unless otherwise directed by the court, these disclosures must be made at least 30 days before trial.

Within 7 calendar days thereafter, a party may serve and promptly file a list disclosing (i) any objections to the use under Rule 32(a) of a deposition designated by another party under the above subparagraph (B); (ii) all objections, together with the grounds therefor, that may be made to the admissibility of materials identified under the above

subparagraph (C); and (iii) any counter-designations of those portions of depositions that a party wishes to reserve the right to introduce, without regard to whether the opposing party already has designated the same portions of testimony. Objections not so disclosed are waived unless excused by the court for good cause, such as that the objecting party could not determine the basis of the objection prior to trial.

If there are unresolved objections after the parties consult, at least fourteen (14) days before trial the parties shall submit to the court, in writing, proposed deposition testimony and trial exhibits and any unresolved objections thereto. A brief argument may be submitted at that time, if necessary.

- (8) **\*TRIAL (JURY):** Any **proposed voir dire** is due at least ten days prior to the scheduled trial date. At least ten business days prior to the scheduled trial date, the parties must file a **single, joint proposed jury charge**, including all necessary instructions, or definitions applicable to the specific issues of the case. The parties need not submit standard generic instructions regarding routine matters; e.g., burden of proof, credibility of witnesses, duty of jurors, etc.

a. Each requested instruction must be numbered and presented on a separate sheet of paper with authority cited.

b. In joint, proposed jury materials, counsel are to include all necessary instructions or definitions, specifically including (1) the *prima facie* elements of each cause of action and defense asserted; (2) legal definitions required by the jury; (3) items of damages; and (4) methods of calculation of damages. Counsel are to use the 11<sup>th</sup> Circuit Pattern Jury Instructions, or appropriate state pattern jury instructions, as modified by case law or statutory amendments, wherever possible. Any deviations must be identified, and accompanied with legal authorities for the proposed deviation.

c. Even if the parties, in good faith, cannot agree on all

instructions, definitions or questions, the parties should nonetheless submit a single, **unified** charge. Each disputed instruction, definition, or question should be set out in bold type, underline or italics and identified as disputed. Each disputed item should be labeled to show which party is requesting the disputed language. Accompanying each instruction that deviates from pattern charges shall be all authority or related materials upon which each party relies. The parties shall also submit a copy as an e-mail submission to [hopkins\\_chambers@alnd.uscourts.gov](mailto:hopkins_chambers@alnd.uscourts.gov).

d. If the verdict form will include special interrogatories for the jury to answer, counsel shall include such special interrogatories with their proposed jury instructions.

**\* TRIAL (NON-JURY):**

a. If the parties wish to submit trial briefs OR IF the court directs the parties to submit trial briefs, they shall file them along with a court's courtesy copy, with the Clerk of the Court at least one week in advance of trial. The Clerk will forward the court's courtesy copy to chambers. DO NOT hand deliver copies to chambers. Also, the trial briefs shall be sent as an e-mail submission to [hopkins\\_chambers@alnd.uscourts.gov](mailto:hopkins_chambers@alnd.uscourts.gov).

b. At least one week in advance of trial, each party shall submit to the Clerk of the Court, a proposed trial order which will be forwarded by the Clerk to chambers. This trial order shall include: (1) a statement of undisputed facts, (2) proposed findings of fact as to facts that are in dispute, and (3) proposed conclusions of law. The proposed findings of fact shall include citations to the witness(es), documents(s), or other evidence the party expects to support each proposed finding of fact. The parties may rely on statements of undisputed facts contained in the joint status report or the pretrial order in ascertaining which proposed findings of fact

are undisputed, but shall not incorporate these facts by reference. Each party's proposed trial order shall also be sent as an e-mail submission to [hopkins\\_chambers@alnd.uscourts.gov](mailto:hopkins_chambers@alnd.uscourts.gov).

(9) TRIAL DATE.

a. This case is set for trial (jury / non-jury) on \_\_\_\_\_.

b. This case will be ready for trial on or after \_\_\_\_\_.

It is ORDERED that the above provisions be binding on all parties unless modified by further order for good cause shown.

Done, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
VIRGINIA EMERSON HOPKINS  
UNITED STATES DISTRICT JUDGE

**NOTES:**

1. These instructions have been reproduced in this manner, i.e., dual columns and landscape printing, to save costs. Counsel should prepare pretrial orders in the usual way, using regular paper, no columns, and portrait printing.

2. This Pretrial Order form may be accessed at [www.alnd.uscourts.gov](http://www.alnd.uscourts.gov); Court Info, Judicial Officers, Virginia Emerson Hopkins, Pretrial Order.